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7055	7590	07/12/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			BENGZON, GREG C	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

**Office Action Summary**

Application No.

10/035,231

Applicant(s)

YASHIKI, SATOSHI

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined. Claims 1-12 have been cancelled. Claims 13-26 are submitted as new Claims and thus Claims 13-26 are pending.

### ***Priority***

The effective date of the subject matter in the claims in this application is January 10, 2001.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-18, 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (US Patent 6862114).

Hayashi disclosed Claim 13 - (new) A receiving Internet facsimile apparatus connectable to a mail server via a network, the receiving Internet facsimile apparatus comprising: a communicator configured to receive, from the mail server, an e-mail to which a plurality of pages of image data are attached; (Hayashi – Figure 6A-6B, Column

Art Unit: 2144

Lines 40-45, Column 16 Lines 60-65, Column 17 Lines 15-30) a memory configured to store the plurality of pages of the image data attached to the received e-mail; (Hayashi – Column 2 Lines 55-65) a controller configured to determine whether the memory overflows during the reception of the e-mail, to stop receiving the e-mail when it is determined that the memory overflows, (Hayashi - Column 11 Lines 40-45) and to store, in the memory, a predetermined page of the image data attached to the e-mail, (Hayashi – Column 3 Lines 1-10) when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi – Figure 4B, Column 3 Lines 10-25, Column 4 Lines 20-25, Column 16 Lines 10-35)

Hayashi disclosed Claim 14 - (new) The receiving Internet facsimile apparatus according to claim 13, wherein, when it is determined that the memory overflows, the controller notifies, to a user of a transmitting apparatus, the transmitting apparatus transmitting the e-mail to the receiving Internet facsimile apparatus, that the memory of the receiving Internet facsimile apparatus overflows. (Hayashi – Figure 10-11, Column 3 Lines 25-45)

Hayashi disclosed Claim 15 - (new) The receiving Internet facsimile apparatus according to claim 13 further comprising a printer configured to print data, wherein, when the printer prints the plurality of the pages of the image data, (Hayashi – Column 5

Lines 20-30) the controller erases, from the memory, the plurality of the pages of the image data. (Hayashi – Column 4 Lines 40-55)

Hayashi disclosed Claim 16 - (new) The receiving Internet facsimile apparatus according to claim 13, wherein the controller determines a received last page of the image data, the received last page of the image data being stored in the memory before the memory overflows, (Hayashi – Column 4 Lines 15-25, Column 12 Lines 35-40) determines that a page received after the received last page of the image data is the predetermined page of the image data, and stores the predetermined page of the image data in the memory, (Hayashi – Column 13 Lines 50-65) when the e-mail is rereceived from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server.

Hayashi disclosed Claim 17 - (new) The receiving Internet facsimile apparatus according to claim 13, wherein the memory stores a last page number, (Hayashi – Column 15 Lines 20-35) the last page number indicating a last page of the image data stored in the memory when the receiving the e-mail was stopped, and the controller determines that a page of the image data received after the page indicated by the last page number is the predetermined page of the image data, (Hayashi – Column 15 Lines 20-35) and stores the predetermined page of the image data in the memory, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the

predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi – Column 16 Lines 10-35)

Hayashi disclosed Claim 18 - (new) The receiving Internet facsimile apparatus according to claim 13, wherein the memory stores a number of pages of the image data stored in the memory when the receiving the e-mail was stopped, (Hayashi – Column 15 Lines 20-35) and the controller determines the predetermined page of the image data, based on the number of the pages of the image data stored in the memory, and stores the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) when the e-mail is rereceived from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server.

Hayashi disclosed Claim 20 - (new) A method for receiving, at a receiving Internet facsimile apparatus from a mail server via a network, an e-mail to which a plurality of pages of image data are attached, the method comprising: receiving, from the mail server, an e-mail to which a plurality of pages of image data are attached; (Hayashi – Figure 6A-6B, Column 11 Lines 40-45, Column 16 Lines 60-65, Column 17 Lines 15-30) storing, in a memory, the plurality of pages of the image data attached to the received e-mail; (Hayashi – Column 2 Lines 55-65) determining whether the memory overflows during the reception of the email; (Hayashi – Column 11 Lines 40-45)

stopping receiving the e-mail when it is determined that the memory overflows; (Hayashi – Column 11 Lines 40-45) and storing, in the memory, a predetermined page of the image data attached to the e-mail, (Hayashi – Column 3 Lines 1-10) when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi – Column 3 Lines 15-20)

Hayashi disclosed Claim 21 - (new) The method according to claim 20 further comprising notifying, to a user of a transmitting apparatus, the transmitting apparatus transmitting the e-mail to the receiving Internet facsimile apparatus, that the memory of the receiving Internet facsimile apparatus overflows, when it is determined that the memory overflows. (Hayashi – Column 3 Lines 25-35, Column 11 Lines 40-45)

Hayashi disclosed Claim 22 - (new) The method according to claim 20 further comprising printing the plurality of the pages of the image data, and erasing, from the memory, the plurality of the pages of the image data when the plurality of the pages of the image data are printed. (Hayashi – Column 4 Lines 40-55)

Hayashi disclosed Claim 23 - (new) The method according to claim 20 further comprising: determining a received last page of the image data, (Hayashi – Column 15 Lines 20-35) the received last page of the image data being stored in the memory before the memory overflows, when the e-mail is re-received from the mail server after

Art Unit: 2144

the stop of receiving the e-mail; determining that a page received after the received last page of the image data is the predetermined page of the image data; (Hayashi – Column 15 Lines 20-35) and storing the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

Hayashi disclosed Claim 24 - (new) The method according to claim 20 further comprising: storing, in the memory, a last page number, the last page number indicating a last page of the image data stored in the memory when the receiving the e-mail was stopped; (Hayashi – Column 3 Lines 1-10) determining that a page of the image data received after the page indicated by the last page number is the predetermined page of the image data, (Hayashi – Column 15 Lines 20-35) when the e-mail is re-received from the mail server after the stop of receiving the e-mail; and storing the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

Hayashi disclosed Claim 25 - (new) The method according to claim 20 further comprising: storing, in the memory, a number of pages of the image data stored in the memory when the receiving the e-mail was stopped; (Hayashi – Column 15 Lines 20-35) determining the predetermined page of the image data, based on the number of the



pages of the image data stored in the memory, when the e-mail is re-received from the mail server after the stop of receiving the e-mail; (Hayashi – Column 15 Lines 20-35) and storing the predetermined page of the image data in the memory, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US Patent 6862114) in view of Yoshida et al. (US Patent 5031179), hereinafter referred to as Yoshida.

Hayashi discloses a system that stores the number of pages received before a transmission failure or memory overflow condition is detected. However Hayashi does not disclose storing the file size that is received before a transmission failure or memory overflow condition and detected, and using said file size to determine required amount of re-transmission data. Hayashi makes an effort to reduce the waste of resources and

improve performance for multimedia content handling and reproduction systems during cases of transmission errors by marking pages as 'complete' or 're-transmit'. (Column 2 Lines 5-10) The Examiner notes that while text documents (or pages) are relatively small in size, image files are relatively large and take longer to transmit and reproduce. Hayashi would have discovered that image files continue to grow in size as image capture technology improves, and marking pages as 'complete' would no longer provide the improved performance that Hayashi was seeking. Thus Hayashi would have been motivated to search for and implement a method for a more granular level of marking data as 'complete' or 're-transmit' so that even if only one half of the image page was received the system would still be able to differentiate between 'complete' and 're-transmit' portions.

Yoshida discloses a communications method for sending documents via facsimile apparatus that ascertains an amount of error data, (Yoshida – Column 19 Lines 40-45) discriminates between correctly received data and error data, (Yoshida – Column 16 Lines 35-40) and remembers number of bytes of data that have been transferred and received. (Yoshida – Column 19 Lines 40-45) Yoshida discloses of retransmitting only the error data when transmission errors are detected. (Yoshida – Column 21 Lines 60-65)

The combination of Hayashi and Yoshida disclosed Claim 19 - (new) The receiving Internet facsimile apparatus according to claim 13, wherein the memory stores

a data amount of the image data (Yoshida – Column 19 Lines 40-45, Column 23 Lines 20-25), stored in the memory when the receiving the e-mail was stopped, (Hayashi – Column 15 Lines 20-35) and the controller determines the predetermined page of the image data, based on the data amount of the image data stored in the memory, (Hayashi – Column 15 Lines 20-35) and stores the predetermined page of the image data in the memory, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

The combination of Hayashi and Yoshida disclosed Claim 26 - (new) The method according to claim 20 further comprising: storing, in the memory, a data amount of the image data (Yoshida – Column 19 Lines 40-45, Column 23 Lines 20-25), stored in the memory when the receiving the e-mail was stopped; (Hayashi – Column 15 Lines 20-35) determining the predetermined page of the image data, based on the data amount of the image data stored in the memory, (Hayashi – Column 15 Lines 20-35) when the e-mail is re-received from the mail server after the stop of receiving the e-mail; and storing the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

Hayashi and Yoshida are analogous art because they present concepts and practices regarding data transmission recovery and restart procedures. ( Hayashi – Column 3 Lines 1-10, Yoshida – Column 4 Lines 25-35) At the time of the invention it would have been obvious to combine the teachings of Yoshida into the apparatus and method of Hayashi. The said combination would enable the apparatus and method of Hayashi to 1) enable a received data size memorizing section that, when the memory overflows, stores size of the received email data, and 2) read the received data size from said received data size memorizing section, then stores the remaining email data corresponding to the size of the data after the read data size, in the memory. The motivation for doing so would be, as Yoshida suggests (Yoshida - Column 3 Lines 5-10), in order that the transmitter can determine whether to continue retransmitting a selected portion of data or discontinue retransmission and proceed with transmission of the next portion of data.

### ***Response to Arguments***

Applicant's arguments filed 06/13/2005 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) *[in italics]*:

*HAYASHI does not describe receiving operations in Figs.3-9. Rather, HAYASHI describes reading operations and transmission operations in Figs.3-9.*

The Examiner respectfully disagrees with the Applicant. While Hayashi is describing an apparatus in transmission mode, it is clear that the said apparatus is also able to operate in receiving mode, and that there is a counterpart apparatus operating in said receiving mode. (Hayashi – Figure 9A, Column 16 Lines 60-65) Furthermore, the method of memory-reception including storing the number of successfully stored pages is equally applicable in both transmission mode and at the counterpart destination apparatus operating in reception mode. (Hayashi – Column 16 Lines 60-65)

The Applicant presents the following argument(s) *[in italics]*:

*HAYASHI also does not relate to an Internet facsimile apparatus. Rather, HAYASHI relates to a conventional facsimile apparatus. In other words, HAYASHI does not contain any disclosure about an Internet facsimile apparatus. Thus, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus connectable to a mail sever via a network.*

The Examiner respectfully disagrees with the Applicant. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 'receiving Internet facsimile' , 'connectable to mail server via a network' ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Furthermore the Examiner notes that the Applicant specifications do not describe how Internet connectivity changes the functionality and operation of the claimed invention with regards to storing received pages and retransmission of error data. The Examiner also notes that Hayashi

Art Unit: 2144

disclosed of a network interface or network adapter coupled with the image transmitting apparatus. (Hayashi – Column 17 Lines 25-30)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

Art Unit: 2144

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gcb

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